

Nov 04, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRANDI V.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO. 2:19-CV-00091-SAB

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 17. The motion was heard without oral argument. The parties stipulate that the above-captioned case be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). The parties further agree that reasonable attorney fees should be awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper request to the Court.

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, ECF No. 17, is **GRANTED**.

2. The decision denying benefits is **REVERSED** and **REMANDED** for further administrative proceedings. On remand, the Administrative Law Judge ("ALJ") shall further develop the record, update the medical records, and issue a new decision. The ALJ shall also:

- Further evaluate the claimant's obesity;
- Reassess the residual functional capacity in light of all evidence;
- Obtain additional vocational evidence with questions as to any possible conflict between possible occupations and the DOT; and
- Issue a new decision.

3. This remand is made pursuant to 42 U.S.C. § 405(g).

4. Plaintiff's Motion for Summary Judgment, ECF No. 11, is **DISMISSED as moot**.

5. Defendant's Motion for Summary Judgment, ECF No. 12, is **DISMISSED as moot**.

6. Upon proper presentation, this Court shall consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

7. The District Court Executive is directed to enter judgment in favor of Plaintiff and against Defendant.

IT IS SO ORDERED. The District Court Executive is hereby directed to file this Order, provide copies to counsel, enter judgment, and close this file.

DATED this 4th day of November 2019.



A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Stanley A. Bastian
United States District Judge